

REMARKS

This amendment is proposed responsive to the Final Office Action July 26, 2004.

Claims 1-14 are pending in the application. Of those claims, claims 1, 4 and 7 are independent apparatus claims, and claims 8 and 10 are method claims, claim 8 being directed to a method of installing a rotor in a combine, and claim 10 being directed to a method for removing a rotor from a combine.

Applicant again notes with appreciation the courtesies extended by Examiner Kovacs to Applicant's attorney, Brant T. Maurer, during their telephone interview of July 21, 2004, and the Examiner's further search efforts responsive to the claims contained in the Amendment of July 26, 2004.

In light of the pertinence of the prior art now brought to Applicant's attention, Applicant believes that it is in position to propose amendments to the claims which more clearly distinguish those claims over the cited prior art patents.

More particularly, addressing proposed amended claim 1, that claim includes limitations of the cab when in the first position being directly forwardly of a front end of the rotor, and a linkage assembly **located and operatively connected to the frame portion and to the cab beneath the cab** so as to be movable **beneath the cab** for raising the cab relative to the frame portion from the first position to a second position **above the front end of the rotor**, the linkage assembly, the cab and the frame portion defining a rotor spacing beneath the cab when in the second position, the rotor spacing allowing installation and removal of the rotor in the body of the harvesting combine therethrough, and the harvesting combine being fully operational with the cab in both the first position and the second position.

Applicant respectfully asserts that this combination of features is not disclosed, taught and/or suggested in the cited van der Lely and Fredriksen et al. patents. More

particularly, in each of the van der Lely patents, the apparatus for raising the cab is located rearwardly and/or beside the cab, and is sufficiently massive so as to be incapable of being located beneath the cab or even scaled down to be so located. Additionally, no rotor is disclosed in either of those patents, nor is it disclosed to raise the cab to a second position above the front end of a rotor for allowing installation and removal thereof. Still further, the van der Lely patents are directed to vehicles wherein virtually all of the functional apparatus thereof are removable, which Applicant would assert eliminates any need for a linkage assembly such as that of the proposed claim.

In the Fredriksen et al. patents, only in Fig. 3 of Patent No. 4,427,090 is apparatus shown partially beneath a cab for raising it. However, this patent in no way involves a rotor, or installation or removal of a rotor and the raising apparatus itself is located in the region where a rotor would be located or would be moved through when installed and removed.

For the foregoing reasons, proposed amended claim 1 is believed to include a combination of elements which is patentably distinguishable over the cited prior art and allowable.

Proposed amended claim 2 and claim 3 depend from proposed amended claim 1 and add still further distinguishing limitations thereto. More particularly, proposed amended claim 2 requires the front end of the frame portion to include a pair of elements extending forwardly in spaced relation one to the other beneath opposite lower side edges of the cab, respectively, and the linkage assembly to include a plurality of link members disposed entirely beneath the opposite side edges of the cab and rotatably connected to the elements of the frame portion, respectively, so as to be movable relative thereto from a down position generally parallel thereto to an up position angularly related thereto for raising the cab to the second position. Claim 3 requires a feeder housing located below

the cab and movable upwardly and downwardly, and a support rod for coupling the linkage assembly to the feeder housing for raising and lowering the linkage assembly by the upward and downward movement of the feeder housing. Neither of these features are even contemplated in the cited prior art references. Accordingly, proposed amended claim 2 and claim 3, in combination with proposed amended base claim 1, are believed to be patentably distinguishable over the cited prior art and allowable.

Proposed amended claim 4 is directed to apparatus for installing and removing a harvesting combine rotor, requiring a harvesting combine including a body supported on a frame portion, a combine rotor located in the body, the frame portion including a front end disposed forwardly of the body, a frame disposed at a first position above the front end forwardly of the body and directly in front of the front end of the combine rotor, and the body being adapted for receiving the combine rotor through a front end thereof. Proposed amended claim 4 requires a linkage assembly disposed and operatively connected to the frame portion and to the cab beneath the cab and operatively movable while remaining beneath the cab for raising the cab from the first position to a second position above the first position and above the front end of the rotor, the cab in the second position allowing installation and removal of the rotor through the front end of the body underneath the cab, the harvesting combine being fully operational with the cab in both the first position and the second position.

Again, for many of the reasons set forth in regard to proposed amended claim 1 above and incorporated herein by reference, none of the cited prior art references disclose a linkage assembly disposed and operatively connected to a frame portion and to a cab beneath the cab and operatively movable while remaining beneath the cab for raising the cab to a second position above a front end of a rotor for allowing installation and removal

thereof. For the foregoing reasons, proposed amended claim 4 is believed to be patentably distinguishable over the cited prior art and allowable.

Proposed amended claims 5 and 6 depend from proposed amended claim 4 and add still further distinguishing limitations thereto. More particularly, claim 5 requires the linkage assembly to include a plurality of link members disposed beneath opposite side edge portions of the cab and pivotable upwardly while remaining beneath the side edge portions of the cab for raising the cab. None of the cited prior art references disclose a linkage assembly which remains beneath the cab as the cab is raised, nor a four bar linkage used in this manner. Accordingly, proposed amended claims 5 and 6, in combination with proposed amended base claim 4 are believed to be patentably distinguishable over the cited prior art and allowable.

Proposed amended claim 8 is directed to a method of installing a rotor in a harvesting combine requiring steps of:

providing a harvesting combine including a housing having a front end region through which a rotor can be installed in the housing and a frame portion having a front end including a pair of members extending forwardly adjacent to opposite sides of the front end region, a cab disposed above the pair of members when in a down position in front of the housing, and a linkage assembly disposed beneath the cab including link members adjacent to opposite sides of the front end region connected between the pair of members and the cab and movable while remaining beneath the cab for raising the cab;

moving the linkage assembly for raising the cab to an up position above the down position sufficiently to allow passage of a rotor beneath the cab and into the front end region of the housing; and

installing a rotor in the housing by passage underneath the cab when in the up position, the harvesting combine being fully operational with the cab in both the down position and the up position.

This combination of features, namely, a linkage assembly disposed beneath a cab including link members adjacent opposite sides of the front end region of a combine housing and connected between the pairs of members and the cab and movable beneath the cab for raising the cab is not disclosed in either of the van der Lely patents cited against the present claim. Again, as recited in reference to proposed amended claims 1 and 4, neither of the van der Lely patents disclose a linkage arrangement disposed beneath the cab, but instead require a massive structure adjacent to the cab for accomplishing the raising of the cab. The van der Lely patents also disclose the ability to remove the other apparatus from the frames of those vehicles, thereby eliminating any need for removal of a rotor while the apparatus is located on the frame. For the foregoing reasons, proposed amended claim 8 is believed to be patentably distinguishable over the cited prior art and allowable.

Claim 9 requires the linkage assembly of proposed amended claim 8 to be a four bar linkage. Neither of the cited prior art patents disclose a four bar linkage operable for moving a cab upwardly and downwardly while remaining beneath the cab. Accordingly, claim 9, in combination with proposed amended base claim 8, is believed to be patentably distinguishable over the cited prior art and allowable.

Proposed amended claim 10 is directed to a method of removing a rotor from a harvesting combine requiring steps of:

providing a harvesting combine including a housing having a front end and a frame portion having a front end extending forwardly of the front end of the

housing, a rotor disposed within the housing and removable therefrom through the front end thereof, and a cab disposed at a down position on the front end of the frame in front of the rotor and operatively connected to the front end of the frame by a linkage assembly disposed beneath opposite side edges of the cab and movable while remaining beneath the cab for raising the cab to an up position above the rotor for opening a space beneath the cab and in front of the rotor;

moving the linkage assembly for raising the cab to the up position above the down position; and

removing the rotor from the housing by passage through the space underneath the cab when in the up position, the harvesting combine being fully operational with the cab in both the down position and the up position.

For many of the same reasons set forth with respect to proposed amended claims 1, 4 and 8 above, the method of claim 10 is believed to be patentably distinguishable over the cited prior art. Again, neither of the van der Lely patents disclose removal of a rotor from a harvesting combine, or the disposition of a linkage assembly beneath opposite side edges of a cab and movable while remaining therebeneath for raising the cab to an up position to facilitate removal of a rotor. For the foregoing reasons, proposed amended claim 10 is believed to be patentably distinguishable over the cited prior art and allowable.

Claim 11 depends from claim 10 and requires the linkage assembly to comprise a four bar linkage. This claim, in combination with proposed amended base claim 10, is believed to be patentably distinguishable over the cited prior art and allowable.

Claim 12 depends from claim 1 and requires the linkage assembly of that claim to comprise a four bar linkage. That claim, in combination with the other limitations of

proposed amended claim 1, is therefore also believed to be patentably distinguishable over the cited prior art and allowable.

Applicant believes that all of the proposed amendments to the claims include limitations which patentably distinguish those claims over the cited prior art. Accordingly, entry of the present amendment and favorable action and allowance of the claims is hereby respectfully requested.

If the Examiner has any comments or suggestions for placing the present claims in better condition for allowance, Applicant's undersigned attorney would appreciate a telephone call at the number listed below.

Respectfully submitted,

HAVERSTOCK, GARRETT & ROBERTS LLP



Stephen R. Mathews
Reg. No. 34,384
611 Olive Street, Suite 1610
St. Louis, Missouri 63101
(314) 241-4427

October 26, 2004
word/cnh/12609am3.doc